

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, March 30, 2011**  
**10:00 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: March 17, 2011**

**RE: Closed Session of the Board to be held on March 30, 2011**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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**DECISION OF ADMINISTRATIVE LAW JUDGE:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. ALL STAR CUSTOM CABINETS, INC., 10-R6D2-1519 THROUGH 1522
2. DYNAMIC FABRICATION, INC., 10-R6D2-0629 THROUGH 0637
3. MCM CONSTRUCTION, INC., 08-R1D5-4678 AND 4679
4. RISING SUN COMPANY, INC., 09-R2D5-1901
5. ROSS PLASTERING, INC., 10-R3D1-2401

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

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1. A & A FARMS LLC, 09-R1D2-3631
2. ALON USA LP DBA PARAMOUNT PETROLEUM CORP., 10-R2D1-0206
3. AMERICAN RECYCLED PALLETS, 10-R3D3-3243
4. RICHARD ANDERSON DBA CYPRESS PRINTING & SILKSCREEN, 10-R6D5-1527 THROUGH 1530
5. ANITA'S MEXICAN FOOD CORPORATION, 10-R3D3-3365 AND 3366
6. AYALA BORING, INC., 10-R5D2-3341
7. C.C. MYERS, INC., 09-R1D4-2536
8. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION - DEUEL VOCATIONAL INSTITUTION, 09-R2D4-3480
9. CALIFORNIA PROFESSIONAL ENGINEERING, INC., 10-R3D3-3460 THROUGH 3462
10. CAR SOUND EXHAUST SYSTEM, INC., 10-R6D2-1825 AND 1826
11. CASCADE PROPERTIES, INC. DBA TERMINAL FREEZERS, 09-R6D3-4028 THROUGH 4035
12. CASTLE MASONRY, INC., 10-R6D5-2602
13. COLD SPRING GRANITE COMPANY, 11-R5D1-0427
14. COLINAS FARMING COMPANY, 09-R1D5-3579
15. COY INDUSTRIES, INC. DBA ERC COMPANY, 10-R4D2-2948 AND 2949
16. CURB SPECIALIST, INC. DBA QUALITY FIRST CONCRETE, 10-R3D3-3244
17. D & B CUSTOM CABINETS, INC., 10-R6D2-0928 THROUGH 0931
18. D & D WELDING, INC., 10-R6D2-3940 THROUGH 3943
19. JOHN DEWEY, 10-R6D5-2763
20. DONALD VALPREDO FARMS, 10-R2D5-2716
21. DRIFTWOOD DAIRY, 11-R6D2-0112 THROUGH 0114

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22. DUNN'S DESIGNER POOLS, 10-R3D3-3858 THROUGH 3861
23. ENAGIC USA, INC., 10-R3D5-3217 AND 3218
24. ESSIM MAROKI, A NEW LOOK AUTO BODY AND PAINT, 10-R6D5-1320
25. EXCEL AUTO COLLISION CENTER, INC., 10-R6D5-2703
26. FLOWMASTER, INC., 09-R2D1-2679 AND 2680
27. FOSTER FARMS, 09-R6D3-2372 THROUGH 2374
28. FREEWAY ELECTRIC, 10-R4D2-2643
29. GATEWAY FRAMING, INC., 10-R2D3-1392
30. GEORGE HOOD, INC. DBA WILDCATS METALS, 09-R1D2-1278 AND 1279
31. GOLDEN GATE BRIDGE HIGHWAY & TRANSPORTATION DISTRICT, 10-R1D1-0254 AND 0255
32. GOOD EARTH TEAS, INC., 09-R1D2-3513 THROUGH 3517
33. GREAT VALLEY LABOR SERVICES, INC., 10-R6D5-2604
34. GUITTARD CHOCOLATE CO., 09-R1D3-2043
35. HANAOKA JAPANESE RESTAURANT, 10-R3D2-2837
36. IDEALEASE, 10 R4D2-3466
37. IRISH CONSTRUCTION, 10-R3D3-3367 AND 3368
38. J. M. HUBER MICROPOWDERS, INC., 11-R2D4-0015
39. JACOBSON PLASTICS, INC., 10-R3D5-3219
40. JOHN'S PLUMBING, INC., 10-R4D3-3254 ABD 3255
41. KAISER PERMANENTE, 09-R2D1-2988
42. KASSITY ORGANIZATION DBA McDONALD'S, 11-R2D1-0142
43. KAYLAKE INDUSTRIES, INC., 08-R3D2-5013
44. KERBER BROS. POOL PLASTERING, INC., 10-R6D5-3231 AND 3232

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45. KILBY MANUFACTURING, 10-R2D3-0158
46. KINO FASHION, INC., 10-R6D5-4050 THROUGH 4052
47. LANGDON DEVELOPMENT, INC. DBA THE WOOD WIZARD, 10-R3D2-1848
48. LES SCHWAB TIRE CENTERS OF CALIFORNIA, INC. #648, 09-R2D4-3361
49. MAGIC MOUNTAIN LLC DBA SIX FLAGS MAGIC MOUNTAIN, 10-R4D3-2203 AND 2204
50. MARTIN IRONWORKS, INC., 11-R2D1-0373
51. MEHTA MECHANICAL COMPANY, INC. DBA MMC, 11-R3D5-0057
52. MISSION PLASTICS, INC., 10-R3D3-3755
53. MKL 2005, INC., 10-R2D5-1798
54. NATIONAL SIGNAL, INC., 10-R6D2-2911 THROUGH 2918
55. NDR, INC. DBA GOLD RUSH AUTO SPA, 09-R2D1-2401
56. NEFF CONSTRUCTION, INC., 10-R3D3-3245
57. NIGGLI DESIGN & CONSTRUCTION, INC. DBA LESLIE SKYLIGHTS, 09-R3D2-1433 THROUGH 1435
58. NORMAN INDUSTRIAL MATERIALS, INC./IND. METAL SUPPLY, 10-R3D2-2229
59. OBERG CONTRACTING CORP., 10-R4D3-3027 AND 3028
60. OMYA CALIFORNIA, INC., 10-R5D3-3493
61. ORFILA VINEYARDS, INC., 10-R6D5-3263
62. PACIFIC COAST SUPPLY LLC DBA ANDERSON LUMBER, 11-R2D1-0412
63. PACIFIC SOUTHWEST CONTAINER LLC, 10-R2D5-1286 AND 1287
64. PEREZ PALLETS, INC., 10-R6D5-1681 THROUGH 1683
65. PET CENTER, INC., 10-R4D2-3414
66. PLANTEL NURSERIES, INC., 10-R4D3-2951

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- 67. PREMIERE CONSTRUCTION ENTERPRISES, 10-R3D5-3149
- 68. PROFESSIONAL TREE SURGEON, 10-R4D3-2731 AND 2732
- 69. PROGRESS FARM LABOR CONTRACTING, 10-R2D5-1487
- 70. RUAN TRANSPORTATION CORPORATION, 10-R2D4-2712
- 71. S.W.R. CONSTRUCTION, 10-R6D5-2603
- 72. SAFETY SERVICE SCAFFOLD, INC., 09-R1D1-1360 THROUGH 1362
- 73. SHORING ENGINEERS, 10-R3D3-2406 AND 2407
- 74. SOLO STEEL ERECTORS, INC., 09-R2D3-0255
- 75. STATE ROOFING SYSTEMS, INC., 09-R2D2-2429 AND 2430
- 76. SANH FOU TEURN – INDIVIDUAL, 10-R6D5-2321
- 77. THE FREMONT-RIDEOUT HEALTH GROUP, 10-R2D1-1391
- 78. THE HONEYBAKED HAM COMPANY, 10-R3D1-1081 AND 1082
- 79. THE NATOMA PROPERTY COMPANY, 11-R2D1-0305
- 80. THE SHERWIN-WILLIAMS COMPANY, 11-R3D3-0320
- 81. UNION TECHNOLOGY CORP., 10-R4D2-1914 THROUGH 1916
- 82. VALUE CARS, INC., 10-R3D2-2571
- 83. WATER EMPLOYEE SERVICES AUTHORITY, 10-R3D3-3536
- 84. WEIMER FARMS, 09-R2D4-2321
- 85. WILLIAM P. YOUNG CONSTRUCTION, INC., 10-R2D1-2513
- 86. WILLIAMSON COMMERCIAL LLC, 09-R1D2-3544
- 87. YUBA COUNTY BUILDING & GROUNDS, 10-R2D1-0331 THROUGH 0337
- 88. OLEGARIO GARCIA ZOPENA DBA O.G. PALLETS, 10-R6D5-3131

**ORDER DISMISSING APPEAL:**

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1. ASH MARBLE & GRANITE, 09-R2D1-3822
2. GREENSTONE VILLA, INC. DBA DIRT BUSTERS CAR WASH, 09-R2D1-4149

**ORDER GRANTING LEAVE TO FILE LATE APPEAL:**

1. FREGOSI CONSTRUCTION, 11-R3D3-0533

**ORDERS DENYING LEAVE TO FILE LATE APPEALS:**

1. CAST-RITE CORPORATION, 11-R2D5-9060
2. MUJAHID KAHN DBA RANA FARM LABOR CONTRACTOR, 11-R3D2-9028
3. R. MONTANEZ CONTRACTING SERVICES DBA DR. DEMO DEMOLITION SERVICES, 11-R3D3-9049
4. SAFEWAY, INC., 11-R1D2-9062

**ORDER OF REMAND:**

1. PAPER SOURCE CONVERTING & MFG., INC., 10-R4D2-1947

**STIPULATION:**

1. TANIMURA & ANTLE, 09-R2D5-3309 THROUGH 3311

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1. KRC SAFETY CO., INC., 09-R1D5-0475
2. INTERPAC TECHNOLOGIES, INC., 08-R2D1-4199 AND 4200

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):**

*If the Appeals Board votes to deny a Petition for Reconsideration, the Legal Unit drafts a letter of denial to the petitioner. The draft correspondence is then reviewed and approved for signature or not approved for signature by the Board.*

1. KIRKLAND ENTERPRISES, INC., 08-R3D3-2803
2. WOORIMAN CORPORATION, 11-R6D5-9040

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

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*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. A & C PALLETS, 10-R6D5-1687 AND 1688
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. AC TRANSIT, 08-R1D4-0135
4. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
5. ALI ALZAR dba AMERICAN EAGLE BODY SHOP, 10-R6D7-1882
6. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
7. ANNING-JOHNSON COMPANY, 06-R1D3-1976
8. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
9. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
10. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241
11. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
12. BURRTEC WASTE INDUSTRIES, INC., 10-R3D3-9222
13. BURTON L. SILVA FARMS, 09-R1D2-1498
14. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
15. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
16. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
19. CLINE CELLARS, INC., 08-R1D5-2946
20. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336

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21. COMMERCIAL METAL FORMING, 09-R3D1-1592
22. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
23. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
24. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
25. DESIGN BUILDERS, INC., 08-R4D4-1901
26. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
27. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
28. DUKE PACIFIC, INC., 08-R3D3-574
29. DUININCK BROS., INC., 06-R4D3-2871
30. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
31. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
32. EZ MIX, INC., 08-R4D3-1898
33. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
34. FORTUNA IRON WORKS 06-R2D3-4222
35. G.T. ALDERMAN, INC., 05-R4D3-3513
36. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
37. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
38. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3678
39. HB PARKCO, 07-R4D2-1730 AND 1731
40. THE HERRICK CORP., 07-R3D1-495
41. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
42. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
43. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456



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44. JENSEN PRECAST, 05-R2D1-2377
45. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
46. KELLY SERVICES, INC., 06-R1D2-1024
47. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
48. LA MINA CANTINA, 09-R2D5-0039
49. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
50. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
51. LION RAISINS, INC., 08-R2D5-2253 AND 2254
52. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
53. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
54. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
55. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR  
08-R6D5-3466 AND 3467
56. MARINE TERMINALS, 08-08-R6D2-1920
57. METHODIST HOSPITAL OF SO. CA., 10-R4D2-1868
58. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
59. MILLENIUM GENERATION, INC., 08-R4D3-5047
60. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
61. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
62. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
63. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
64. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
65. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE  
CONTRACTING, INC., 08-R2D1-0025 AND 0026

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66. POUK & STEINLE, INC., 09-R3D3-0491
67. R & L BROSAMER, INC., 03-R1D5-4832
68. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
69. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
70. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
71. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
72. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
73. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
74. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
75. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
76. SMUD, 08-R2D1-4887 THROUGH 4889
77. MARTIN J. SOLIS, DBA SOLIS FARM LABOR, 08-R2D1-3415
78. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414  
THROUGH 3418
79. STACY & WITBECK, INC., 05-R1D1-1142
80. SUNOPTA FRUIT GROUP, 09-R3D1-9245
81. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
82. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
83. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT  
AGGREGATES, 04-R5D2-850 AND 851
84. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650  
AND 2651
85. UNITED PARCEL SERVICE, 07-R3D3-3322
86. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
87. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

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**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),  
34-2007-00882192-CU-WM-GDS, (01-3261)
4. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-  
9223)
5. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
6. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
7. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
8. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
9. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
10. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
11. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)
12. MISSION FLAVORS AND FRAGRANCE, INC., 34-2010-80000599 (05-R6D2-  
1139)
13. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
14. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-  
80000640 (08-R2D1-0027 THROUGH 0030)
15. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
16. SMUD, 34-2010-80000723 (08-R2D1-4887)

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17. CAL ENERGY OPERATING CORP., 34-2010-80000735 (09-R3D2-3675 & 3676)

**COURT OF APPEAL**

1. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)
2. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

**PERSONNEL:**

*(Issues regarding staff)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.